

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE 1 and JANE DOE 1, in their own )  
capacity and as parent of CHILD DOE 1, )  
JOHN DOE 2 and JANE DOE 2, in their own )  
capacity and as parent of CHILD DOE 2, )  
JOHN DOE 3 and JANE DOE 3, in their own )  
capacity and as parent of CHILD DOE 3, )  
JOHN DOE 4 and JANE DOE 4, in their own )  
capacity and as parent of CHILD DOE 4 )  
JOHN DOE 5 and JANE DOE 5, in their own )  
capacity and as parent of CHILD DOE 5 and on )  
behalf of those similarly situated, )

Civil Action No. 2:22-cv-112-WSS

Plaintiffs )

v. )

UPPER SAINT CLAIR SCHOOL DISTRICT, a )  
Pennsylvania governmental entity, PHILLIP J. )  
ELIAS, DAPHNA GANS, BARBARA L. BOLAS, )  
PATRICK A. HEWITT, LOUIS P. MAFRICE, JR., )  
MICHAEL R. MASCARO, ANGELA B. )  
PETERSEN, JENNIFER A. SCHNORE, )  
DANIELLE Z. WETZEL, all individual elected )  
officials sued in their official capacity as members )  
of the UPPER SAINT CLAIR SCHOOL )  
DISTRICT BOARD OF DIRECTORS, a )  
Pennsylvania elected legislative body, )

Defendants. )

**PLAINTIFFS' MOTION FOR INJUNCTION PENDING APPEAL**

Pursuant to Rule 8(a)(1)(C) of the Federal Rules of Appellate Procedure, Plaintiffs respectfully requests that the Court enter an injunction pending appeal. For all the reasons advanced in Plaintiffs' original Motion for a TRO and Preliminary Injunction (Doc. 14), Memoranda in Support (Docs. 15), and argument before the Court on January 20, 2020, Plaintiffs request preliminary injunctive relief pending appeal, without bond, enjoining Defendants from implementing

the Health and Safety Plan voted on and approved by the School Board on January 10, 2022, which will permit optional masking beginning January 24, 2022.

An injunction is justified, as discussed in Plaintiffs' accompanying Memorandum in Support, because (1) Plaintiffs are reasonably likely to succeed on the merits of their claims; (2) Plaintiffs will suffer irreparable harm in the absence of preliminary relief that outweighs any harm the Defendants may suffer if the temporary restraining order is granted; (3) Plaintiffs have no adequate remedy at law; and (4) an injunction furthers the public interest. Accordingly, Plaintiffs respectfully move this Court to issue a preliminary injunction in the form of the Proposed Order attached to this motion.

Respectfully submitted,

BEHREND LAW GROUP LLC

By: /s/Kenneth R. Behrend

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